

REMARKS

The present application includes pending claims 1-7 and 9-23, all of which have been rejected. Claim 15 has been amended to correct a minor typographical error.

Claims 1-5, 10, 12, 14-19, 22 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,272,322 (“Su”) in view of U.S. 7,212,798 (“Adams”). Claims 6-7 and 20-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Su in view of Adams and U.S. 6,603,810 (“Bednekoff”). Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Su in view of Adams and U.S. 6,704,352 (“Johnson”). Claims 11 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Su in view of Adams and U.S. 5,999,803 (“Kim”). The Applicants respectfully traverse these rejections for at least the following reasons.

As noted previously, the Applicants note that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the *initial review of the application*, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, Office personnel *should state all reasons and bases for rejecting claims in the first Office action*. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. **Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved.** A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

Manual of Patent Examining Procedure (MPEP) § 2106(II) (emphasis added). As such, the Applicants assume, based on the goals of patent examination noted above, that *this* Office Action has set forth “all reasons and bases” for rejecting the claims.

Further, this Response does not substantively amend any of the claims.¹ Therefore, the Applicants respectfully submit that this Response cannot raise any new issues with respect to the pending claims that would require a further search. In short, a never-ending process of repeatedly dredging up different prior art references after the Applicants effectively differentiate cited references without amending claims undermines the principles of compact prosecution. Thus, **a subsequent Office Action that would set forth new grounds of rejection would unquestionably violate the aforementioned goals of patent examination.**

Unfortunately, the goals of compact prosecution have already been violated in the present application. For example in response to the November 17, 2008 Office Action, the Applicants did not substantively amend any of the pending claims. *See* January 9, 2009 Response. However, the Examiner issued the current Office Action that asserts new grounds of rejection. Consequently, the goals of compact prosecution explicitly recited in the MPEP (reproduced above) were violated.

The Applicants respectfully request that the Examiner not compound these violations of the MPEP by issuing a subsequent Office Action that asserts another new ground of rejection. **If, however, a subsequent Office Action asserts a new ground of rejection, the Applicants respectfully request an interview with the Examiner and the Examiner’s supervisor to understand why the goals of compact prosecution, explicitly recited in the MPEP, continue to be flouted.**

Additionally, the present application has been pending since **April 2, 2004 (i.e., more than five years)**, and has undergone extensive prosecution. Therefore, the Applicants respectfully request that the present application be allowed, for at least the following reasons.

The Applicants now turn to the rejection of claims 1-5, 10, 12, 14-19, 22 and 23 as being unpatentable over Su in view of Adams. The Office Action asserts that Su discloses all the limitations of claim 1 except for “wherein the adjusting comprises modifying at least one threshold related to processing of receive signal strength indicator data used in the operation of the radio frequency communication system.” *See* February 17, 2009 Office Action at page 3. For example, the Office Action specifically contends that Su discloses “adjusting the operation of the receiver portion based upon the first signal power measurement and the second signal power measurement.” *See id.* As detailed below, however, Su also does not describe, teach or suggest this limitation.

Su relates to a “method and apparatus for **controlling transmitter power** in a code division multiple access (CDMA) or other wireless systems.” *See* Su at column 1, lines 6-10 (emphasis added). In particular, Su discloses the following:

A calibration method and apparatus are described. In one embodiment, the method includes a pair of transceivers performing a loop back test to determine a relationship between transmit and receive gain for each transceiver. A path loss between the first transceiver and a second transceiver is computed. The computation is made by transmitting a pair of signals in opposite directions between the first and second transceivers to determine a relationship between transmit path gain of the first transceiver and receive path gain of the second transceiver and a relationship between the transmit path gain of the second transceiver and receive path of the first transceiver. The transmit and receiver path gains are generated for the first transceivers based on the path loss and the relationship.

¹ Claim 15 was only amended to correct a typographical error.

See id. at column 2, lines 35-48. Thus, as shown above, Su discloses a system that uses two transceivers. A path loss between the two transceivers is computed by transmitting signals in opposite directions. However, there is nothing in Su that describes, teaches or suggests adjusting operation of a **receiver** based on **multiple power measurements**.

Su discloses, however, “each **transmitter** in the wireless system adjusting its output power level to a predetermined power level.” *See id.* at column 4, lines 9-19 (emphasis added). “[T]he mobile unit adjusts its **transmit power** to compensate for the variation in the path loss.” *See id.* at column 8, lines 8-16 (emphasis added). Further, “the processing logic generates these values and, then using those values, makes adjustments to the **transmit power**.” *See id.* at column 9, lines 31-33 (emphasis added). Yet, contrary to the assertion in the Office Action, Su does not describe, teach or suggest adjusting operation of a **receiver** based on **multiple power measurements**. That is, Su does not describe, teach or suggest “adjusting the operation of the receiver portion based upon the first signal power measurement and the second signal power measurement,” as recited in claim 1. The Applicants respectfully note that the Office Action cites only Su in rejecting this feature of claim 1, and does not assert that Adams discloses this particular aspect. Thus, for at least these reasons, the Applicants respectfully request reconsideration of the rejection of claim 1 and the claims that depend therefrom.

Claims 15 and 23 recite, in part, “the radio frequency communication system adjusting at least one characteristic of the receive signal strength indicator based on two signal power measurements using the switching circuitry and the transmitter circuitry.” The Office Action asserts that Su discloses “the radio frequency communication system adjusting at least one characteristic of the receive signal power based on two signal power measurements using the switching circuitry and the transmitter circuitry.” As explained above, however, Su does not

describe, teach or suggest adjusting receive signal power based on multiple signal power measurements. The Applicants respectfully note that the Office Action does not assert that other cited art discloses this aspect of claims 15 and 23. Thus, for at least these reasons, the Applicants respectfully request reconsideration of the rejection of claims 15, 23 and any claims that depend therefrom.

Additionally, claim 1 recites, in part, “wherein the adjusting comprises modifying at least one **threshold** related to processing of receive signal strength indicator data used in the operation of the radio frequency communication system.” The Office Action acknowledges that Su does not describe, teach or suggest this limitation. *See* February 17, 2009 Office Action at page 3. In an attempt to overcome this deficiency, the Office Action relies on Adams. *See id.*

Adams discloses, however, comparing information with respect to setpoints, but not modifying a threshold related to processing of receive signal strength indicator data used in the operation of the radio frequency communication system. For example, Adams discloses the following:

In a state 609 called the Calc state, the AGC controller 523 compares the respective received signal strength measurement to its respective setpoint. Based on the comparison, the AGC controller 523 calculates improved radio gain control bits to send to the transceiver 400 so as to reduce the setpoint errors.

See Adams at column 10, lines 49-54. A “setpoint” is not the same as a “threshold,” however. A “setpoint” is “a specified constant value of a controlled variable of a dynamical process which a controller is required to maintain.” A system strives to maintain a “setpoint.” On the other hand, a “threshold” is a “limiting value of some variable of interest.” *See* Comprehensive Dictionary of Electrical Engineering – Second Edition, © 2005, CRC Press, pages 621 and 690.

Thus, while Adams discloses comparing a signal strength measurement to its respective setpoint, Adams does not describe, teach or suggest “wherein the adjusting comprises modifying at least one **threshold** related to processing of receive signal strength indicator data used in the operation of the radio frequency communication system,” as recited in claim 1, for example. Claim 22 recites a similar limitation. The Office Action acknowledges that Su does not describe, teach or suggest this limitation. Further, as explained above, Adams, which the Office Action relies on, also does not describe, teach or suggest the limitation. Thus, for at least this additional reason, the Applicants respectfully request reconsideration of the rejections of claims 1, 22 and any claims depending therefrom.

Additionally, the Office Action rejects claims 5 and 19 by merely stating the following:

Su and Adams et al teach the limitations of claims 1 and 15.
Adams et al teach wherein the at least one characteristic comprises at least one of a slope and a fixed offset of the receive signal strength indicator (column 13 lines 53-67, setpoint error).

See February 17, 2009 Office Action at page 6. As explained above, however, neither Su nor Adams describes, teaches or suggests all the limitations of claims 1 and 15.

Further, Adams discloses adjusting gain to a **setpoint**, but not a threshold. Adams discloses adjusting the gain of the receive path, but the Office Action does not explain how that adjustment describes, teaches or suggests adjusting the slope and offset **of the RSSI**. Thus, for at least this additional reason, the Applicants respectfully request reconsideration of the rejection of claims 5 and 19.

Also, claim 6 recites, in part, “wherein the adjusting comprises modifying the value of a receive signal strength indicator using an affine function.” Claim 20 recites a similar limitation.

The Office Action relies on Bednekoff as disclosing this limitation. *See* February 17, 2009 Office Action at page 7. In particular, the Office Action merely notes Bednekoff at column 7, lines 9-60.

However, this cited portion of Bednekoff does not even mention “affine function,” as recited in claims 6 and 20. Indeed, the word “affine” is nowhere to be found in Bednekoff. Accordingly, the Office Action has not explained how Bednekoff can possibly disclose the limitation recited in claims 6 and 20. Thus, for at least this additional reason, the Applicants respectfully request reconsideration of the rejection of claims 6 and 20.

For at least the reasons discussed above, all of the claim rejections are now rendered moot. The Applicants note that the present application has been pending more than five years and has undergone extensive prosecution. Therefore, the present application should now be allowed with dispatch.

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully request that the outstanding rejections be reconsidered and withdrawn for at least the reasons discussed above. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the Applicants.

The Commissioner is authorized to charge any necessary fees, including the \$490 fee for the 2-month extension, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

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